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COMMISSION OF HUMAN RIGHTS
Forty-seventh session
Agenda item 12 (b)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

Letter dated 25 February 1991 from the Permanent Representative of Kuwait to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

Please find enclosed a copy of the letter dated 27 October 1990, sent from the Deputy Prime Minister and the Minister of Foreign Affairs of the State of Kuwait, Sheikh Sabah Al-Ahmed al-Jaber Al-Sabah to Mr. Pérez de Cuéllar, Secretary-General of the United Nations.

We would appreciate it very much if the letter could be translated into the official United Nations languages so it can be circulated and be considered as an official document of the forty-seventh session of the Commission on Human Rights.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest consideration.

(Signed) Dr. Salem Haber al-Almad Al-Sabah
Ambassador/Permanent Representative

GE.91-11616/9499A

READEX FICHE

27 October 1990

Sir,

I wish to refer to the letter that the Minister for Foreign Affairs of the Iraqi régime has requested should be circulated, together with its enclosures, as a General Assembly and Security Council document. In his letter he alleges that a letter addressed by the Minister of the Interior of Kuwait to the Director of the General State Security Authority proves the existence of collusion between the Government of Kuwait and the Government of the United States of America to destablize - as he puts it - the situation in Iraq.

I trust that I need not elaborate on the contents of this alleged letter, replete as it is with fabrications and lies that have absolutely no factual basis. The letter uses expressions and forms of official address that have never been in use in Kuwait. Moreover, it deals with matters that, to anyone in his right mind, would deem incompatible with the values and principles in which Kuwait has always believed and has assiduously followed as the basis for its principled policy.

I have no doubt that you are aware of the brutal practices of the tyrannical Iraqi régime in my country, Kuwait. These practices, which are far removed from usual human behaviour, have resulted in everything possible being pillaged, plundered, and carried away, thereby revealing the true nature of this régime and its danger to humanity at large. You realize, I am sure that a bloodthirty régime of this kind would have no scruples whatever about using any legitimate or illegitimate means available to it if they served its ends - even in violation of normal standards of human behaviour and God's teachings.

It should therefore surprise no one that a régime with such a record of crime and brutality should act in a way designed to serve its evil and aggressive ends, such as the fabrication of fictitious stories or the falsification of documents, of which the letter I have referred to is but the latest in a series of examples.

A régime like this can only be expected to come out with yet more such fabrications, for it stands alone against the entire international community. Furthermore, one wonders how such allegations could possibly be believed, coming as they do from a régime that has not allowed humanitarian organizations to visit Kuwait to monitor the living conditions of the Kuwaiti people and of those living in Kuwait with a view to trying to alleviate their

Mr. Javier Pérez de Cuéllar
Secretary-General of the United Nations

suffering which is the result of the Iraqi régime's tyrannical and brutal practices that have included unprecedented acts of murder, population displacement, and starvation. This anarchical Iraqi régime has, moreover, perpetuated heinous acts such as the obliteration of Kuwait's heritage and the destruction of historical archives and documents, all in an effort to erase Kuwaiti identity. Mention should also be made of the savage treatment of diplomats accredited to the State of Kuwait, as well as other innocent foreign nationals who had worked in Kuwaiti Government departments or in public or private companies and who were arrested to serve as human shields in contravention of international norms and practices and in violation of the most basic human values.

All this prompted me to address this letter to you in order to refute the allegations made in the letter of the Minister of Foreign Affairs of the aggressor Iraqi régime. I would request you to circulate this letter as an official General Assembly and Security Council document.

Accept, Sir, the assurances of my highest consideration.

(Signed) Sabah Al-Ahmed Al-Jaber Al-Sabah,
Deputy Prime Minister and Minister
for Foreign Affairs of Kuwait

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COMMISSION ON HUMAN RIGHTS
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Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

Letter dated 5 March 1991 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to enclose herewith a letter dated 4 March 1991, addressed to you by His Excellency Kenan Atakol, Minister of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus, with regard to the question of missing persons in Cyprus.

I should be grateful to you if my letter and its enclosure were circulated as a document of the Commission on Human Rights under agenda item 10.

(Signed) Cem Duna
Ambassador
Permanent Representative of Turkey
to the United Nations Office
at Geneva

GE.91-11822/9734A

1. I have the honour to refer to the statement made on 19 February, by the Greek Cypriot representative, Mr. Varies Markides, to the Commission on Human Rights under agenda item 10, and to respond to the unfounded allegations that he made in connection with the issue of "missing persons" in Cyprus.

2. Contrary to Mr. Markides' assertion, the Greek Cypriot side continues, unabated, to exploit this tragic issue for political purposes, in violation of the Committee's agreed Terms of Reference and contrary to all humanitarian principles, thereby protracting the suffering of the families concerned on both sides. A report dated 6 April 1987, submitted to the Parliamentary Assembly of the Council of Europe (document No. 5716) following a fact-finding mission to both parts of Cyprus, after observing that disappearances in Cyprus from both communities had taken place during the periods of bloody conflict in 1963-1964 and in 1974, urged that everything possible ought to be done to avoid protracting the suffering of both and cautioned against propaganda over the issue in the following words:

> "In this respect, there should be no undue publicity concerning the missing persons issue, so that the work of the Committee on Missing Persons in Cyprus (CMP) is not held up. The rapporteurs can only protest most vigorously against exploitation of the issue for political propaganda purposes."

3. Despite that "vigorous protest", the persistence of the Greek Cypriot side in its negative attitude has indeed held up the work of the CMP.

4. The Greek Cypriot side whilst, on the one hand, not hesitating to create a stalemate in the CMP, on the other hand, as if to add insult to injury, shows the audacity to use that artificially created stalemate as a pretext to get the issue placed on the agenda of the Commission on Human Rights and all other international humanitarian organizations where the Turkish Cypriot side is unjustly not represented and hence cannot speak in reply.

5. The informative joint press communiqué dated 11 April 1990, issued for the first time by the CMP with the concurrence of the Greek Cypriot member, stated clearly the nature of its mandate and outlined its activities and the difficulties it faced in accomplishing its task. This important joint communiqué, which rebuts practically all the unfounded allegations contained in the Greek Cypriot representative's statement to the Commission, was reproduced in full in the annex of the Secretary-General's report on the United Nations Operation in Cyprus dated 31 May 1990 (S/21340). It is unfortunate that, somehow, a similar reference was not made to the said communiqué under paragraph 117 entitled "Cyprus" of the Report of the Working Group on Enforced and Involuntary Disappearances (E/CN.4/1991/20) of the Human Rights Commission.

6. As regards the stereotype Greek Cypriot allegation that not a single case has been elucidated so far due to alleged lack of "high quality evidence", it is abundantly clear from the CMP's informative communiqué referred to above that what is preventing progress is not the lack of requisite evidence but, rather, the lack of a common appreciation of the value of the evidence collected which has made it difficult so far to conclude any of the hundreds of cases which have been investigated.

7. The Greek Cypriot side's insinuation is of course against the Turkish Cypriot side. It is an open secret, however, as to which side the responsibility for the stalemate belongs. By "lack of high quality evidence" the Greek Cypriot side is understood to mean, in effect, identifiable bodily remains. Reference in Mr. Markides' statement to the Commission to the need for "locating also the burial place and/or the body" clearly supports this interpretation. It is this rigid but unreasonable insistence on the discovery of the body of every missing person that is the cause of the delay in concluding the cases that have been investigated.

8. It is this stalemate deliberately created by the Greek Cypriot side itself that is being exploited, again by it, to criticize the CMP as being ineffective.

9. The insincerity and even the hypocrisy involved will be better understood in the light of the background information, given in the following paragraphs, concerning the issue from the standpoint of each community.

10. The statistics and relative composition of the missing persons in Cyprus are as follows:

	Turkish Cypriot	Greek Cypriot
Total reported missing	803	1 619
Civilian	99.40%	38.31%
Military	0.60%	61.69%
Men	71.00%	92.00%
Women	12.00%	6.00%
Children	17.00%	2.00%

11. With regard to the Greek Cypriot missing persons:

(a) Of the 1,619 listed as missing, two thirds were military personnel who must be presumed to have died in combat; 92 per cent of the missing are men;

(b) The Greek Cypriot community lived through a bloody coup (anti-Makarios, pro-ENOSIS coup of 15 July 1974) which lasted five days and nights and took a great toll in Greek Cypriot lives. The exact number of the coup casualties has never been divulged by the Greek Cypriot side despite persistent and formal demand from the Turkish Cypriot side. It has been estimated that over 5,000 Greek Cypriots lost their lives. Reliable information has been published by Greek Cypriot sources which indicate that hundreds of Greek Cypriots killed during the coup had been buried in mass graves without identification. Some of the sources are: (i) disclosures of Nicosia cemetery priest Papatsestos to Greek Cypriot daily TA NEA of 28 February 1976, (ii) disclosures of Mrs. Rena Catselli, Greek Cypriot parliamentarian, in her memoirs of her experiences during the coup, published in 1974, (iii) statement of former Greek Minister of Maritime Affairs, Mr. Evangelos Yannopoulos, published in Eleftherotipia newspaper in Nicosia on 7 April 1988;

(c) The Greek Cypriot press published in July 1990, on the occasion of the sixteenth anniversary of the Sampson coup and the return to Cyprus from exile in Paris of Sampson, personal accounts of various executions and atrocities committed against the Greek Cypriots themselves and of secret mass burials, without identification, during the five-day intra-Greek Cypriot community fighting which followed the coup;

(d) The Greek Cypriot authorities refused to accept some 200 corpses of Greek Cypriots which the Turkish Cypriot side had offered, through UNFICYP, to return to them for personal identification and proper burial. A group of eight civil servants from the appropriate departments of the Turkish Cypriot Administration, under the leadership of a senior civil servant who is now a minister, separated the Greek Cypriot corpses from the Turkish Cypriot corpses, placed the former in lorries and transported them to the border for handing over to the Greek Cypriot side. A major from the UNFICYP Austrian contingent, then serving as the liaison officer attached to the Office of President Denktash and who tried to organize the handing-over, reported that the Greek Cypriot side had refused to accept the bodies. They were therefore disposed of by the Turkish Cypriot side.

12. The inescapable conclusion, which has also been confirmed by Greek Cypriot leaders, including Mr. George Vassiliou himself, during their official tours outside Cyprus, is that all the Greek Cypriot missing persons must be presumed dead.

13. As regards the 803 Turkish Cypriot missing persons, it should be noted that practically all of them were innocent civilians, 29 per cent of whom were women and children. The tragedy is all the more painful because they were all collected from their homes, workplaces, hospitals or highways and subjected to "enforced or involuntary disappearance". A total of 209 of those still missing had been abducted in 1963-1964, mostly by known Greek Cypriot police or armed paramilitaries under official control. The Greek Cypriot Administration has refused since 1963-1964 to elucidate the fate of even a single one of them.

14. The horrendous nature of the enforced disappearance to which some of the Turkish Cypriot missing persons had been subjected came to light when excerpts from a formerly secret British Foreign Office report were published in the Guardian newspaper on 2 April 1983. That report, concerning the fate of some 20-25 Turkish Cypriot in-patients at Nicosia General Hospital in the Greek Cypriot sector of Nicosia, had apparently been prepared in 1964 on the basis of information collected by a Greek-speaking British officer who had served in the "British-Greek-Turkish Tripartite Patrols" which had been set up jointly by the three Guarantor Powers before the arrival of UNFICYP to take over peacekeeping operations. The following quotation is from that former secret report:

> "One of Packard's first tasks was to try to find out what had happened to the Turkish hospital patients. Secret discussions took place with a Greek Cypriot Minister in the collapsed Government. After a brief investigation, he was able to confirm the rumours.
>
> It appeared that Greek Cypriot medical staff had slit the patients' throats as they lay in their beds. Their bodies were loaded onto a truck and driven to a farm north of the city where they were fed into mechanical choppers and ground into the earth."

Which of the 803 Turkish Cypriot missing persons were the 20-25 who "disappeared" in the Nicosia General Hospital? Nobody yet knows. This and many other similar questions are awaiting a reply through the efforts of the CMP.

15. The allusion to the existence of living Greek Cypriot missing persons in detention can only be intended for propaganda and must be deplored.

16. Mr. Hoffman, the senior ICRC delegate who assisted the leaders of the two sides, His Excellency Mr. Denktash and His Excellency Mr. Clerides, when they jointly dealt with the humanitarian problems and above all the question of missing persons from both sides, is on record to have stated, at the last meeting held on 5 March 1976, as follows:

> "We have done everything possible in order to trace all those reported as missing. There is nothing further that we can do. But if both sides agree and ask our help, we are ready. For instance, disinterment and identification of remains is usually resorted to, under the Geneva Conventions, after every conflict. But in this case it is too late to undertake such a task, especially because nobody carried identification tags in Cyprus. Therefore our mission in Cyprus has been completed ...".

17. Despite the above-quoted observation of Mr. Hoffman, 15 years later, Mr. Vanies Markides, the Greek Cypriot representative, still calls, before the Commission, for the impossible, namely the "location of the burial place and/or the body" of every Greek Cypriot missing person. And he does this knowing full well that the Greek Cypriot side has not been able to provide any convincing evidence at all concerning the fate of even a single one of the 803 Turkish Cypriot missing persons whose abductors are mostly known.

18. In the light of the foregoing facts, I would like to appeal to the Commission on Human Rights to take cognizance of the true situation with regard to the missing persons issue in Cyprus and to urge the Greek Cypriot side to desist from its current unconstructive policy and to adopt a positive and realistic approach so that this tragic humanitarian issue may finally be resolved, thereby removing one of the factors in the way of gradual restoration of mutual confidence between the two peoples of Cyprus.

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RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Note verbale, dated 5 March 1991, from the Permanent Mission of Bulgaria to the United Nations Office at Geneva addressed to the Centre for Human Rights

The Permanent Mission of the Republic of Bulgaria to the United Nations Office at Geneva and the international organizations presents its compliments to the secretariat of the United Nations Centre for Human Rights and has the honour to request that the text in annex to this note be circulated as a document of the next session of the open-ended Working Group to consider the drafting of a declaration on the rights of persons belonging to national or ethnic religious and linguistic minorities.

GE.91-11728/5735a

Clarification by the Bulgarian delegation

28 February 1991

1. The delegation of the Republic of Bulgaria greatly appreciates the efforts made by the countries which have participated in the open-ended Working Group of the Commission on Human Rights. These efforts are a considerable step forward in the further promotion of human rights and fundamental freedoms and in ensuring respect for all individual rights.

2. In the absence of a definition, the use of the term "national minorities", along with all the provisions concerning the rights of individuals belonging to such minorities, where they exist, and including other similar groups, should not be interpreted as relieving any Member State of its obligation to comply with international standards on human rights and fundamental freedoms, or as contradicting in any way the principles of sovereign equality, non-violation of frontiers and territorial integrity of States.

3. Bulgaria reiterates its desire to continue to contribute to the fruitful completion of the task of the open-ended Working Group. Bulgaria declares that the texts so far adopted shall not in any way prejudice the right of the freely and democratically elected Bulgarian parliament to consider those provisions and establish legal and other means of implementing them in accordance with the sovereign will of the Bulgarian people.